

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

*In re:* DPH Holdings Corp., *et al.*,  
Reorganized Debtors.

Chapter 11

Case No. 05-44481 (RDD)  
(Jointly Administered)

**INTERIM ORDER ON REORGANIZED DEBTORS' MOTION FOR A CASE  
MANAGEMENT ORDER GOVERNING ADVERSARY PROCEEDINGS**

Upon consideration of the Reorganized Debtors' Motion for a Case Management Order Establishing Procedures Governing Adversary Proceedings, dated March 17, 2010 (the "CMO Motion"), seeking entry of an order establishing certain procedures and deadlines in the avoidance actions set forth in Exhibit A hereto (the "Avoidance Actions"); and upon the objections filed by certain defendants in such Avoidance Actions to the CMO Motion (collectively, with joinders therein, the "Objections"); and upon a May 12, 2010 letter request from DPH Holdings Corporation and certain of its affiliated reorganized debtors (collectively, the "Plaintiffs") seeking the within relief; and with consent from certain of the defendants filing Objections, as well as certain other defendants; and good and sufficient cause supporting such request; and notice of Plaintiffs' letter requesting the relief herein having been provided to all of the defendants that filed Objections; and such letter having been electronically filed in all Avoidance Actions; and no further or other notice of such letter being required, it is hereby

**ORDERED** that the hearing scheduled on Plaintiff's CMO Motion for May 20, 2010 is adjourned pending the Court's resolution of the First Wave Dismissal Motions (as defined in the Court's Order Establishing Certain Procedures With Respect to Pending Motions to Dismiss Adversary Proceedings, dated April 23, 2010);

**ORDERED** that following the Court's entry of order(s) on the First Wave Dismissal Motions, Plaintiffs may file a notice of hearing establishing a new hearing date on the CMO Motion (the "Adjourned Hearing"), setting an objection deadline no greater than 14 (fourteen) days before the date of the Adjourned Hearing, along with a revised proposed case management order; provided however that the Adjourned Hearing shall be scheduled no earlier than 30 (thirty) days after the Court's entry of order(s) resolving the First Wave Dismissal Motions, on no less than 25 (twenty-five) days' notice to defendants in each of the Avoidance Actions (sent via first class mail on the day of filing), subject to the Reorganized Debtors' rights, upon a showing of good cause, and on no less than 25 (twenty-five) days' notice to defendants in each of the Avoidance Actions, to request that the Adjourned Hearing be scheduled following entry of order(s) which resolve fewer than all of the First Wave Dismissal Motions; provided, further, for the avoidance of doubt, that all defendants may file objections to any revised proposed case management order in accordance with the foregoing, regardless whether they filed Objections to the CMO Motion;

**ORDERED** that pending the Adjourned Hearing, all discovery by all parties in the Avoidance Actions (both fact and expert, and including, without limitation, all requests for production of documents, interrogatories, requests for admission, and/or depositions) shall be stayed, subject to all parties' rights, upon a showing of good cause, to request relief to conduct discovery in advance of the Adjourned Hearing; provided however, for the avoidance of doubt, that such stay shall not preclude (a) voluntary exchanges of information among the parties, and (b) such discovery as may be ordered by the Court in connection with any of the Dismissal Motions (as defined in the Court's Order Establishing Certain Procedures With Respect to Pending Motions to Dismiss Adversary Proceedings, dated April 23, 2010);

**ORDERED** that pending the Adjourned Hearing, all parties' obligations under the initial disclosure requirements of Fed. R. Civ. P. 26(a)(1), made applicable by Fed R. Bankr. P. 7026, are stayed;

**ORDERED** that pending the Adjourned Hearing, all pretrial conferences in the Avoidance Actions are adjourned to future date(s) to be determined by the Court following the Court's entry of order(s) on the First Wave Dismissal Motions; provided however, for the avoidance of doubt, that the foregoing adjournment does not apply to any pre-motion conferences that have been or may be requested pursuant to Rule 7056-1(a) of the Local Bankruptcy Rules for the Southern District of New York;

**ORDERED** that the Court shall retain jurisdiction to resolve any disputes or controversies arising from or related to the terms and provisions of this Order.

Dated: White Plains, New York  
May 14, 2010

/s/Robert D. Drain  
HON. ROBERT D. DRAIN  
UNITED STATES BANKRUPTCY JUDGE